

REMARKS

In the outstanding official action, claims 1-10 were rejected under 35 USC 103(a) as being unpatentable over the various cited and applied references, for the reasons of record.

In response, it is respectfully submitted that the cited and applied references are not properly combinable, and that even if, *arguendo* the references were to be deemed properly combinable, the present invention as currently claimed is neither shown nor suggested thereby.

On the issue of combinability of the references, while it is recognized that the cited and applied art is generally in the same very broad field of endeavor, the cited and applied references are in fact directed to particular and specific aspects of this very broad field, and absent the benefit of impermissible hindsight derived from the instant disclosure, there is no apparent reason to combine these specific references to render obvious the instant invention as presently claimed. As noted in the instant specification, at pages 1-3, the present invention provides a device for copy protection of an information carrier that is less complex and expensive than prior-art solutions, while providing equivalent efficiency.

The prior art, on the contrary, is directed to a variety of different objects and subject matter, such that it would not be obvious or apparent to combine the teachings of the various

references absent the benefit of impermissible hindsight. Thus, for example, the Gotoh reference is directed to an optical disk bar code forming method, whereas Kikuchi is directed to very specific techniques and materials for fabricating an optical disk, and Jones is directed to reading primary and security data from optically readable data storage media. While the cited and applied references all very generally relate to optical disk technology, they clearly relate to different areas thereof, and absent the benefit of impermissible hindsight there is no apparent reason for selecting these specific references from out of the extremely large reference pool in this broad technology.

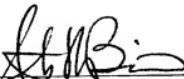
Furthermore, even if the cited and applied references are deemed to be properly combinable, it is respectfully submitted that the instant invention, as recited in independent claims 1, 5, and 9, and the remaining claims depending therefrom, is respectfully submitted to be neither shown nor suggested by the references taken in combination. Thus, with respect to independent claim 1, the cited and applied references do not show or suggest the combination of a diffractive layer made of photopolymers, a special filtering layer including a binary mask made of a photosensitive material for delivering a filtered optical signal from the speckled pattern generated by the diffractive layer, the special filtering layer being aligned with respect to the diffractive layer, and a detection layer for transforming the filtered optical signal into

an electrical signal from which a cryptographic key is generated. Similarly, with respect to claim 5, the cited and applied references do not show or suggest the combination of a diffractive layer made of photopolymers, a spatial filtering layer including a binary mask made of a photosensitive material for delivering a filtered optical signal from the speckled pattern, with the spatial filtering layer being aligned with respect to the diffractive layer. Finally, with respect to independent claim 9, the cited and applied references are respectfully submitted to neither show nor suggest a diffractive layer for delivering a speckled pattern with a spatial filter for delivering a filtered optical signal from the speckled pattern, with the spatial filter including a binary mask made of a reversible photosensitive material such that the binary mask is created every time an information carrier is inserted into the device, with a detector array for transforming the filtered optical signal into an electrical signal and means for computing a cryptographic key from the electrical signal and means for decrypting encrypted data contained in the information carrier from the cryptographic key.

In view of the foregoing remarks, it is respectfully submitted that it has been established that the cited and applied references are not properly combinable to render the instant invention obvious, and that even if the references were to be considered in combination, the present invention as presently recited is clearly

patentably distinguishable there over. Accordingly, independent claims 1, 5, and 9 and the remaining claims depending therefrom, are now respectfully submitted to be in condition for allowance, and favorable consideration is earnestly solicited.

Respectfully submitted,

By   
Steven R. Biren, Reg. 26,236  
Attorney  
(914) 333-9630